

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA	§	
	§	CRIMINAL NO. C-08-762(3)
VS.	§	MAGISTRATE ACTION NO. C-08-804-3
	§	
OMAR CHERIEF DAVIS	§	

MEMORANDUM OPINION AND ORDER OF DETENTION PENDING TRIAL

A detention hearing has been held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f). The following requires detention of the defendant pending trial in this case:

(1) There is probable cause to believe the defendant committed an offense for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 841(b)(1)(A); and


(2) The defendant has not rebutted the presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

The evidence against the defendant is substantial. The findings and conclusions contained in the Pretrial Services Report are adopted. The defendant's activities in connection with the criminal conspiracy in this case are extensive. The defendant owns several homes, all of which were searched. A bullet-proof vest, cocaine wrappings, and crack cocaine were discovered during the search. The defendant owns a clothing store which was not disclosed to pretrial services. His criminal history reflects a conviction in 2002 for possession of a concealed weapon and disorderly conduct. On balance, the

presumption of non-appearance and danger to the community has not been overcome.

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 21st day of November, 2008.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE